

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FREDDY U MARTINEZ,

No. C-13-04197 DMR

Plaintiff(s),

**ORDER REQUIRING PLAINTIFF TO
FILE MOTION FOR PROTECTIVE
ORDER BY SEPTEMBER 24, 2014**

v.

CITY AND COUNTY OF SAN FRANCISCO,

Defendant(s).

Upon Plaintiff's counsel's instruction, Plaintiff refused to answer numerous deposition questions based on an indiscriminate assertion of Fifth Amendment protection. On September 3, 2014, the court ordered that Plaintiff submit to further deposition. *See* Docket No. 51. The court also ordered that before the deposition was to take place, Plaintiff was to file a motion for a protective order, supported by legal authority, and setting forth in detail what questions were appropriately subject to Fifth Amendment protection. *Id.* The court ordered Plaintiff to file that motion by September 12, 2014. Because of his failure to file the required motion, the court issued an order to show cause. *See* Docket No. 52.

Plaintiff responded by filing a document in which he states that he does not intend to file a motion for protective order, but also does not "concede the Fifth Amendment issue." This violates the court's order. If Plaintiff intends to assert the Fifth Amendment in response to any discovery, Plaintiff must file a detailed motion for protective order, supported by legal authority, by **September**

1 **24, 2014.** If the motion for protective order is not filed by that date, the court will construe
2 Plaintiff's failure to do so as a representation that he will not be asserting the Fifth Amendment in
3 this case.

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5 IT IS SO ORDERED.

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7 Dated: September 22, 2014

